

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: William R. Kennedy, et al. Art Unit: 3637
Appeal No.: 2006-0128
Serial No.: 10/003,353
Filed: November 1, 2001
Confirmation No.: 5231
For: MINE DOOR LEAF AND METHOD OF MANUFACTURE THEREOF
Examiner: Phi Dieu Tran A

September 19, 2006

REQUEST FOR REHEARING UNDER 37 C.F.R. §41.52

This is a request for rehearing under 37 C.F.R. §41.52 from the Board of Patent Appeals and Interferences affirmation of the Examiner's rejection made in the Decision on Appeal mailed July 31, 2006.

I. The Board misapprehended Zen's disclosure.

A. No Force-Transmitting Relationship in Zen

The Board states that Zen's door includes a core and panels on opposite faces of the core "wherein the core has a force-transmitting relationship with the panels constituting the panels and core as an integral stress-resistant structure that is extremely strong." See pages 4 and 5 of the Decision on Appeal. **The Board's statement is factually incorrect.**

Zen makes no statement or suggestion that its foam core has a "force-transmitting relationship with the panels." The Examiner and the Board fail to pinpoint anywhere in Zen discussing or suggesting such a relationship. **Thus, the Examiner and the Board have misapprehended Zen's disclosure,** and they have credited Zen as teaching more than it actually does. The "force-transmitting relationship" is absent from both references, so the obviousness rejection cannot stand.

Zen does not teach or suggest that the foam core adds any strength to the door, much less makes the structure "extremely

strong". Instead, the sole purpose of Zen's core is to insulate the door. Insulation is typically used to prevent the transfer of electricity, heat, or sound, and not for strength. In fact, the insulation in Zen is optional. Zen states that "the interior of frame *can be* filled with insulation". Column 2, line 66 through column 3, line 1, emphasis added.

Zen discloses that its frame (and the frame alone) is extremely strong and can be produced at a very low cost. See column 1, lines 10-14 and lines 29-33. The frame does not include the foam core. Moreover, Zen is comparing the strength of the disclosed door frame to prior art wood door frames. See column 1, lines 16-33. Thus, Zen teaches that the disclosed frame is cheaper to make and stronger than a door frame made from wood. In Zen, references to strength and cost advantages are limited to the frame, not the door as a whole, and certainly are not related to the insulation.

B. No Suggestion to Combine

The combined references, Kennedy and Zen, would not have suggested the claimed invention to one of ordinary skill in the art. Claim 1 recites that the core has a force-transmitting relationship with the panels constituting the panels and core as an integral stress-resistant structure resistant to stresses to which the door leaf is subjected in a mine.

Zen does not disclose or suggest that the insulation may add other properties to the door. Rather, Zen only states that the core insulates the door. At most, Zen would suggest to one of ordinary skill in the art to add a core to a door for its insulation properties. Mine doors do **not** need insulation, so one of ordinary skill would not add an insulation core to a mine door.

The combined teachings of Kennedy and Zen would **not** have suggested to those of ordinary skill in the art at the time of

appellant's invention that the core of Zen could have a force-transmitting relationship with the panels constituting the panels and core as an integral stress-resistant structure resistant to stresses to which the door leaf is subjected in a mine. Again, the Board has misapprehended the prior art.

Appellants respectfully request withdrawal of the Board's Decision and a finding that the claims 1-9, 14, and 31-40 of the present application are patentable over the combination of Kennedy and Zen.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael G. Munsell".

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